

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

Joseph G. DuMouchelle and
Melinda J. Adducci

Debtors.

Chapter 7

Case No. 19-54531-lsg

Honorable Lisa S. Gretchko

Thomas T. Ritter

Plaintiff,

v.

Joseph G. DuMouchelle and
Melinda J. Adducci

Defendants.

Adversary Pro. No. 20-04381

STIPULATION FOR ORDER SCHEDULING STATUS CONFERENCE

Thomas Ritter (“Plaintiff”) and Melinda J. Adducci (“Defendant” and together with Plaintiff, the “Parties”), by their respective counsel, stipulate and agree to the entry of the proposed Order attached hereto as **Exhibit 1** and state as follows as the basis for entry of the proposed Order:

1. The Parties are requesting a status conference on or before June 14, 2024 in order to address the current trial schedule in this matter and to allow sufficient

time for the parties to resolve an outstanding discovery dispute regarding the production of electronically stored information (“ESI”) in connection with Defendant’s production of ESI under the Protective Order at ECF No. 165.

2. Plaintiff served *Plaintiff’s First Set Of Interrogatories and Document Requests to Defendants* on Defendant and her spouse and former defendant, Joseph DuMouchelle (“Joseph”) on December 12, 2022 [ECF No. 67] (the “Discovery Requests”) which included a request for production of ESI. Defendant and Joseph served their responses to the Discovery Requests on January 23, 2023. Defendant identified that she had possession of two laptop computers (the “Laptops”) but intended to seek a protective order limiting the discovery of ESI contained on the Laptops asserting various privilege grounds.

3. In the matter of *Gelov v. Adducci*, Case No. 20-04172-lsg (“Gelov”) plaintiff, Teodor Gelov (“Mr. Gelov”) served *Plaintiff’s First Set of Interrogatories and Document Requests to Defendants* [*Gelov* ECF No. 126] (the “Gelov Discovery Requests”) on February 14, 2023 and similarly requested Defendant and Joseph produce the same ESI as Plaintiff requested in this Adversary Proceeding.

4. On March 16, 2023, Defendant filed her response to the Gelov Discovery Requests [*Gelov* ECF No. 133] and Defendant and Joseph filed *Defendants’ Motion for Protective Order* [*Gelov* ECF No. 132] seeking to limit the production

of ESI which also affected Defendant's production of ESI in response to Plaintiff's Discovery Requests.

5. Thereafter, the Parties diligently negotiated to allow for a production of ESI contained on the Laptops (the "ESI production") in the *Gelov* adversary proceeding and this Adversary Proceeding.

6. The Parties memorialized their agreement for ESI Production subject to Defendant's right to assert and privilege and Plaintiff's right to contest privilege through a *Stipulation for Entry of a Protective Order* filed on October 31, 2023 [ECF No. 147] (the "ESI Stipulation") governing the ESI Production.

7. On November 3, 2023, the court held a hearing on the ESI Stipulation and the same stipulation filed in *Gelov*. At the hearing, the Court directed the Parties to make certain revisions to the ESI Stipulation and the form of the proposed stipulated order in order for the court to approve a stipulated order regarding the ESI Production.

8. Consistent with the court's direction at the hearing, the Parties submitted a revised stipulation on November 30, 2023 [ECF No. 158] and the court advised the parties of additional revisions that were required to allow the court to approve a stipulated order regarding the ESI Production.

9. The parties submitted a revised stipulation and a revised proposed stipulated order on December 19, 2023 [ECF No. 165] and the court granted the Parties' stipulated *Protective Order Governing Imagining and Inspection of Defendant Melinda Adducci and Former Defendant Joseph DuMouchelle's Relevant Electronic Devices and Protection of Confidential and Privileged Information and Preservation of Privilege in the Event of Inadvertent Production of Privileged Material* on December 21, 2023 [ECF No. 165] (the "Protective Order").

10. Thereafter, consistent with the Protective Order, Defendant granted the Parties' designated ESI collection vendor, Vestige, access to the Laptops in order for Vestige to image the Laptops for the ESI Production. Vestige completed the imaging of the Laptops on or about February 26, 2024.

11. Per the Protective Order, on or about March 26, 2024, Vestige produced to Defendant its "ESI report", which consisted of multiple spreadsheets containing lists of files and information found on the computers (the "ESI Report").

12. On or about April 18, 2024, Defendant requested and Plaintiff agreed to stipulation to extend the Defendant's deadline to complete the review of the ESI Report to May 24, 2024, a date which fell after the May 19, 2024 close of discovery.

13. In turn, Defendant agreed to allow Plaintiff to take Defendant's deposition on a date following the close of discovery in order to allow Plaintiff to receive the ESI Report subject to Defendant's privilege review.

14. On April 24, 2024, the parties filed a stipulated order to extend Defendant's time to review and respond/objection/assert-privilege regarding the ESI.

15. The Court scheduled a hearing for May 6, 2024, regarding entry of that stipulated order.

16. At hearing on May 6, 2024, the parties indicated that, while the timeline for trial was being kept in place as of that moment, that potentially the dates of the case may need to be extended, if in fact there became a dispute over the ESI.

17. On or about May 7, 2024, following the May 6 hearing, the Court entered the parties' stipulated orders, with slight modifications (recognizing that the ESI production and depositions would be after the close of discovery).

18. On May 24, 2024, Defendant produced *Defendant's Combined Privilege Log and Objections for Ritter and Gelov Cases* which incorporates by reference the attached redacted spreadsheets of the ESI Report, containing, for each line, objections and/or assertions of privilege, and with information redacted based

upon the objections and/or assertions of privilege (“Defendant’s ESI Production Objections”).

19. In response to Defendant’s ESI Production Objections, Plaintiff requested and Defendant agreed to schedule a meet and confer in order to try to resolve Defendant’s ESI Production Objections. This is set for June 5, 2024.

20. As a result of the delay in the ESI Production Plaintiff and Defendant do not expect to have the discovery issues resolved in time for Plaintiff’s anticipated June 10, 2024 deposition of Defendant, and the parties have stipulated to adjourn said deposition, indefinitely, pending resolution of the ESI issues.

21. The court’s final pretrial conference is set for July 1, 2024 and the Parties’ joint final pretrial statement is due to the court by June 24, 2024.

22. In light of the current delay in the ESI Production, the Parties do not believe they will resolve the discovery issues in time to submit their Joint Final Pretrial Statement on June 24, 2024 and anticipate that there may be further delays running up to the anticipated trial date of July 10, 2024.

23. Therefore, due to the status of the ESI Production and Defendant’s ESI Production Objections, the Parties request a status conference with the court, in order to address the scheduling issues that have arisen as a result thereof.

24. The attorneys have conferred regarding the date and time for a status conference and have available the following dates/times, which the parties respectfully request that the Court use for scheduling purposes, if it so pleases the Court:

- a. Monday, June 10, 2024, 1:00PM or after.
- b. Wednesday, June 12, 2024, anytime.
- c. Thursday, June 13, 2024, anytime.
- d. Friday, June 14, 2024, anytime.

WHEREFORE, the parties pray for entry of an appropriate order.

Approved as to form and content:

**TAFT STETTINIUS &
HOLLISTER, LLP**

By: /s/Jay L. Welford
Jay L. Welford (P34471)
Kimberly Ross Clayson (P69804)
27777 Franklin, Suite 2500
Southfield, MI 48034
(248) 351-3000
jwelford@taftlaw.com
kclayson@taftlaw.com

Counsel to Plaintiff, Thomas Ritter

Dated: June 4, 2024

JOHN R. FOLEY, P.C.

By: /s/Patrick A. Foley (w/permission)
Patrick A. Foley (P74323)
18572 W. Outer Drive
Dearborn, MI 48128
313-274-7377
pafoley@jrfpc.net

*Counsel for Defendants, Joseph G.
DuMouchelle and Melinda J. Adducci*

Dated: June 4, 2024

133285950

133285950

EXHIBIT 1

133285950

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

Joseph G. DuMouchelle and
Melinda J. Adducci

Debtors.

Chapter 7

Case No. 19-54531-lsg

Honorable Lisa S. Gretchko

Thomas T. Ritter

Plaintiff,

v.

Joseph G. DuMouchelle and
Melinda J. Adducci

Defendants.

Adversary Pro. No. 20-04381

STIPULATED ORDER TO SET PRE-TRIAL STATUS CONFERENCE

THIS MATTER came before the Court on the stipulation between Plaintiff, Thomas Ritter (“Plaintiff”) and Defendants, Joseph G. DuMouchelle and Melinda J. Adducci (collectively, “Defendants”), by their respective counsel, consenting to the terms of this Order. The Court has reviewed the Stipulation and based thereon, finds cause to enter this Order.

133285950

NOW THEREFORE, IT IS HEREBY ORDERED the Parties shall appear for a status conference to address the current dates and deadlines on _____, 2024 at __:__a/p.m.

A. This conference shall be held telephonically, and the parties shall dial in at the date and time above to this phone number: _____

(or)

B. This conference shall be held in person at Courtroom _____, 211 W. Fort Street, Detroit, Michigan 48226.

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

Joseph G. DuMouchelle and
Melinda J. Adducci

Debtors.

Thomas T. Ritter

Plaintiff,

v.

Joseph G. DuMouchelle and
Melinda J. Adducci

Defendants.

Chapter 7

Case No. 19-54531-lsg

Honorable Lisa S. Gretchko

Adversary Pro. No. 20-04381

CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2024, my office caused to be served a copy of the *Stipulation for Order Scheduling Status Conference*, by ECF notification to all parties who have filed an appearance in the above-captioned adversary proceeding.

Respectfully submitted by:

TAFT STETTINIUS & HOLLISTER, LLP

By: /s/ Jay L. Welford
Jay L. Welford (P34471)
Kimberly Ross Clayson (P69804)
Counsel to Plaintiff
27777 Franklin Road, Suite 2500
Southfield, Michigan 48034
Phone: (248) 351-3000
jwelford@taftlaw.com
kclayson@taftlaw.com

Dated: June 4, 2024